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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

13 FACEBOOK, INC. AND INSTAGRAM  
14 LLC,

15 Petitioners,

16 v.

17 HOULIHAN LOKEY, INC.,

18 Respondent.

Misc. Case No. 3:21-mc-80192

[Underlying Action: *Voxer, Inc. and Voxer IP LLC v. Facebook, Inc. and Instagram LLC*, United States District Court for the Western District of Texas, Case No. 1:20-cv-00655 [ADA]]

**DECLARATION OF PAVEN  
MALHOTRA IN SUPPORT OF  
PETITIONERS' MOTION TO COMPEL  
HOULIHAN LOKEY, INC.'S  
COMPLIANCE WITH SUBPOENA**

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DECLARATION OF PAVEN MALHOTRA IN SUPPORT OF PETITIONERS' MOTION TO COMPEL  
HOULIHAN LOKEY, INC.'S COMPLIANCE WITH SUBPOENA

Misc. Case No. 3:21-mc-80192

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1 I, Paven Malhotra, declare that:

2 1. I am an attorney licensed to practice in the State of California and am a partner at  
3 the law firm of Kecker, Van Nest & Peters LLP, counsel of record for Petitioners Facebook, Inc.  
4 and Instagram LLC (hereinafter “Petitioners”) and counsel of record for Defendants Facebook,  
5 Inc. and Instagram LLC in the case styled, *Voxer, Inc., et al. v. Facebook, Inc., et al.*, Western  
6 District of Texas, Case No. 1:20-CV-00655 [ADA] (“the Texas Action”). I have personal  
7 knowledge of the facts set forth in this declaration and could and would testify competently to  
8 them under oath if called as a witness.

9 2. I submit this declaration in support of Petitioners’ Motion to Compel Houlihan  
10 Lokey, Inc.’s Compliance with Subpoena.

11 3. Attached hereto as **Exhibit A** is a true and correct copy of a Subpoena to Produce  
12 Documents served by Facebook on Houlihan Lokey, Inc. (“Houlihan Lokey”) in the Texas Action  
13 on June 3, 2021.

14 4. Attached hereto as **Exhibit B** is a true and correct copy of a Subpoena to Testify at  
15 a Deposition served by Facebook on Houlihan Lokey, Inc. in the Texas Action on June 3, 2021.

16 5. Attached hereto as **Exhibit C** is a true and correct copy of a document produced  
17 by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
18 HL0017977-17986.

19 6. Attached hereto as **Exhibit D** is a true and correct copy of excerpts from the  
20 Deposition of Irv Remedios, Voxer’s CEO, taken in the Texas Action on July 8, 2021.

21 7. Attached hereto as **Exhibit E** is a true and correct copy of a document produced by  
22 Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates No.  
23 HL0017987.

24 8. After serving the subpoenas attached hereto as Exhibit A and B on June 3, 2021,  
25 Ms. Grace Kim, counsel for Facebook, spoke with Mr. Bob Kim, in-house counsel for Houlihan  
26 Lokey on June 16 and June 25, 2021. Mr. Kim advised that a document production was  
27 forthcoming on July 1, 2021. A true and correct copy of an email memorializing these  
28 conversations is attached hereto as **Exhibit F**. When July 1 came and went with no production of

1 documents, Facebook inquired about the status of production. For the first time, on July 6, 2021  
2 the Quinn Emanuel law firm, which is also representing Voxer in the Texas Action, appeared and  
3 asserted that it was now representing Houlihan Lokey and that the promised document production  
4 would be delayed. Another two weeks passed before Houlihan Lokey made its first production,  
5 although no privilege log was produced. Facebook pressed Houlihan Lokey to produce its  
6 privilege log. Houlihan Lokey waited an additional two weeks and only served its privilege log  
7 on July 30, 2021—nearly two months after Facebook served its subpoena.

8 9. Attached hereto as **Exhibit G** is a true and correct copy of the privilege log served  
9 by Houlihan Lokey on July 30, 2021.

10 10. The Houlihan Lokey privilege log contains 624 entries. By comparison, the  
11 privilege log served by plaintiff Voxer in the Texas Action consisted of roughly 458 entries.

12 11. Attached hereto as **Exhibit H** is a true and correct copy of a document produced  
13 by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
14 HL0017879-17895.

15 12. Attached hereto as **Exhibit I** is a true and correct copy of a document produced by  
16 Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
17 HL0017440-17470.

18 13. Attached hereto as **Exhibit J** is a true and correct copy of a document produced by  
19 Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
20 HL0017870-0017878.

21 14. Attached hereto as **Exhibit K** is a true and correct copy of a document produced  
22 by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
23 HL0015560-15568.

24 15. Attached hereto as **Exhibit L** is a true and correct copy of a document produced by  
25 Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
26 HL0017617-17622.

1           16. Attached hereto as **Exhibit M** is a true and correct copy of a document produced  
2 by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
3 HL0017654-17660.

4           17. Attached hereto as **Exhibit N** is a true and correct copy of a document produced  
5 by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
6 HL0018099-18121.

7           18. Attached hereto as **Exhibit O** is a true and correct copy of a document produced  
8 by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
9 HL0016609-16641.

10          19. Attached hereto as **Exhibit P** is a true and correct copy of a document produced by  
11 Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
12 HL0017899-17936.

13          20. Attached hereto as **Exhibit Q** is a true and correct copy of a document produced  
14 by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
15 HL0017937-17967.

16          21. Attached hereto as **Exhibit R** is a true and correct copy of a document produced  
17 by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
18 HL0018153-18180.

19          22. Attached hereto as **Exhibit S** is a true and correct copy of a document produced by  
20 Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
21 HL0018181-18197.

22          23. Attached hereto as **Exhibit T** is a true and correct copy of a document produced by  
23 Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
24 HL0017968-17971.

25          24. Attached hereto as **Exhibit U** is a true and correct copy of a document produced  
26 by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos.  
27 HL0017530-17533.

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26. Attached hereto as **Exhibit W** is a true and correct copy of a document produced by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos. HL0015590-15600.

27. Attached hereto as **Exhibit X** is a true and correct copy of a document produced by Houlihan Lokey in response to the subpoena attached as Exhibit A, bearing Bates Nos. HL0015640-15644.

28. Attached hereto as **Exhibit Y** is a true and correct copy of Houlihan Lokey's Objections and Responses to the Subpoena to Produce Documents served by Facebook on Houlihan Lokey.

29. Pursuant to Local Rule 37-1, Petitioners' counsel hereby certifies that he conferred with counsel for Houlihan by teleconference and in writing regarding the subpoenas, including meet and confer call to address the subpoena on August 5, 2021, and that such attempts to resolve the discovery issue were unsuccessful.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on August 13, 2021 at Sunnyvale, California.

/s/ Paven Malhotra  
Paven Malhotra